DOCUMENT RESUME

ED 382 549 SO 025 058

TITLE	Antidote: Civic Responsibility. South Carolina Law.
INSTITUTION	Phi Alpha Delta Law Fraternity International, Washington, DC.
SPONS AGENCY	Department of Justice, Washington, D.C. Office of Juvenile Justice and Delinquency Prevention.
PUB DATE	93
CONTRACT	93-JS-CX-005
NOTE	14p.; For related lesson materials, see ED 372 024. For other state supplements, see SO 025 022-066.
AVAILABLE FROM	Phi Alpha Delta Public Service Center, 1511 K Street, N.W., Suite 611, Washington, DC 20005.
PUB TYPE	Guides - Classroom Use - Instructional Materials (For Learner) (051) -- Guides - Classroom Use - Teaching Guides (For Teacher) (052)
EDRS PRICE	MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	*Citizenship Education; *Constitutional Law; *Criminal Law; Drug Education; *Drug Legislation; High Schools; Illegal Drug Use; Intermediate Grades; Junior High Schools; *Law Related Education; Middle Schools; Resource Materials; Social Studies; State Legislation
IDENTIFIERS	Phi Alpha Delta Law Fraternity; *South Carolina

ABSTRACT

Designed for middle school through high school students, this unit contains eight lesson plans that focus on South Carolina state law. The state lessons correspond to lessons in the volume, "Antidote: Civic Responsibility. Drug Avoidance Lessons for Middle School & High School Students." Developed to be presented by educators, law student, or attorneys, the state lessons are interactive and sequential, although individual lessons can stand alone. The document includes legal information about driving while intoxicated, drug offenses, sentencing, and drug and alcohol statutes written specifically to combat juvenile abuse. (RJC)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
This document has been reproduced as received from the person or organization originating it.
Minor changes have been made to improve reproduction quality.
Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

ED 382 549

Antidote: Civic Responsibility

South Carolina Law

"PERMISSION TO REPRODUCE THIS MATERIAL IN OTHER THAN PAPER COPY HAS BEEN GRANTED BY

JACK C. HANNA

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Phi Alpha Delta Public Service Center
• 1511 K Street, NW • Suite 611 • Washington, DC 20005•
• 202-638-2898 • fax 202-638-2919 •

BEST COPY AVAILABLE

SO 025 054

Lesson 1

1. **Has Aimee violated any State laws? Have her parents?**

   Aimee has not violated any existing State law. There is presently no law holding a minor liable for an unintentionally dangerous act toward another minor. Her parents, however, may be guilty of neglect. South Carolina Code § 20-7-50 states that failing to provide "the proper care and attention" for a child "so that the life, health or comfort of such child...is endangered or is likely to be endangered" constitutes a misdemeanor. Thus, Aimee's parents may be guilty of neglect toward both children if the two are unsupervised for long periods.

2. **Does State statute allow 17-year-old Tyrell to drink a glass of wine with his dinner without his parents' consent?**

   Tyrell should not drink the wine without his parents' permission and may be violating the law if he does. S.C. Code § 20-7-320 explains that use or possession of alcoholic beverages by a minor in the home of the minor's parents or guardian, or for religious purposes, is not unlawful so long as the alcoholic beverages were legally purchased. S.C. Code § 61-5-30, however, states: "It shall be unlawful for any person to possess or consume any alcoholic liquors upon any premises where such person has been forbidden to possess or consume alcoholic liquors by the owner, operator or person in charge of the premises."

3. **Is Maria violating any law when she tells her roommates whom to call to buy marijuana?**

   Yes, by telling her roommates where to obtain marijuana, a controlled substance in South Carolina, Maria is breaking the law. Under S.C. Code § 44-53-370, it is unlawful for any person "to manufacture, distribute, dispense, deliver, purchase, or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance".

4. **Have Adam and Alex broken any laws other than those against drinking and fighting?**

   Yes. Adam and Alex may be charged with public disorderly conduct under S.C. Code § 16-17-530. More seriously, they may also be charged with involuntary manslaughter. South Carolina defines manslaughter as "the unlawful killing of another without malice" (S.C. Code § 16-3-50). S.C. Code § 16-3-60 defines criminal negligence as "the reckless disregard of the safety of others" and states that a charge of involuntary manslaughter must involve criminal negligence.

5. **Has Jose violated any State law even though he is not**

drinking? Has Carlos or TJ violated any State law?

Even though he is not drinking, Jose may have violated several laws. Because the alcohol is in Jose's car, it may be considered to be in his possession. S.C. Code § 20-7-370 makes it unlawful for any person under 21 years of age to purchase, or knowingly have in his possession, any beer, ale, porter, wine, or any other similar malt or fermented beverage". Under the open-container laws in §§ 61-5-20 and 61-9-87, it is unlawful for any person to have in his possession any beer or wine in an open container in a moving vehicle of any kind, except if it is carried in the luggage compartment or trunk.

TJ is also under age and could be charged under the same statutes as Jose. Accordingly, Carlos could be found to have contributed to the delinquency of a minor under § 16-17-490. The code states: "It shall be unlawful for any person over eighteen years of age to knowingly and wilfully encourage, aid, or cause or to do any act which shall cause or influence a minor to violate any law or municipal ordinance."

6. **Is Dr. Melrose committing any violation by prescribing painkillers without conducting an examination or determining need?**

Dr. Melrose is violating not only state but federal law. S.C. Code 44-53-360 stipulates that a prescription must be issued for legitimate medical purposes and that the responsibility for the proper prescribing and dispensing of controlled substances rests with the prescribing physician (although it also notes the dispensing pharmacist bears a corresponding liability). Under federal law 21 USCS § 829, a physician must have a legitimate medical purpose for dispensing drugs, and the act of dispensing or prescribing drugs should be within the usual course of professional practice. U.S. v. Varma, 691 F.2d 460; U.S. v. Jamieson, 605 F.Supp. 119.

Dr. Melrose's patients, if they do not provide to him a bona fide reason for needing the painkillers, may also be breaking the law. S.C. Code § 44-53-40 prohibits obtaining certain drugs by fraud, deceit, misrepresentation, or subterfuge. Federal law 21 U.S.C.A. § 843 likewise prohibits knowingly or unknowingly acquiring possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

7. **Is Danielle violating any law by taking only one or two pills from someone else's prescription?**

Danielle is violating several state and federal laws. At the very least, Danielle's actions constitute petit larceny, a misdemeanor under S.C. Code § 16-13-30. In addition, she is violating S.C. Code 40-43-150, which stipulates that certain drugs shall be sold only by prescription and that it is unlawful for any person to "sell, give away, barter, exchange,

distribute or possess" these drugs without a prescription from a licensed practitioner. She may also be violating S.C. Code § 44-53-40, which prohibits obtaining certain drugs by fraud, deceit, misrepresentation, or subterfuge. She is also violating U.S. law under 21 U.S.C.A. § 843, which prohibits knowingly or unknowingly acquiring possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge, and 21 U.S.C.A. § 844, which prohibits simple possession of a controlled substance unless such substance was obtained by prescription. The seriousness of her crime under these drug control codes will depend on the type of drug which she is taking from the customer's prescription and how she uses it.

8. **Is Renee breaking state law even though she is not selling the drugs herself?**

Even though she is not selling the drugs directly, Renee is violating several state and federal laws. S.C. Code § 44-53-370 prohibits possessing, distributing and dispensing a controlled substance unless the substance was obtained directly from, or on prescription from, a practitioner acting in the course of his profession. If she is distributing any form of cocaine, she is also violating S.C. Code § 44-53-375, which prohibits the distribution of ice, crank [a form of cocaine], and crack cocaine. She is also violating similar federal statues such as 21 U.S.C.A. § 841, prohibiting possession of a controlled substance with the intent to manufacture, distribute or dispense such substance, and 21 U.S.C.A. § 844, prohibiting simple possession of a controlled substance.

By using her five-year-old daughter to distribute controlled substances to other minors, Renee is violating S.C. Code § 44-53-440, which prohibits the distribution of controlled substances to persons under the age of 18; she is also violating S.C. Code § 16-17-490 regarding contributing to the delinquency of a minor. By having her daughter take the drugs to school, Renee is violating S.C. Code § 44-53-445 prohibiting the distribution of controlled substances in the proximity of a school. In addition, she could be charged with child neglect under S.C. Code § 20-7-50, which prohibits a parent or guardian from endangering the life, health, or comfort of a child.

In addition, Renee could receive heavier sentencing under federal statutes. Under 21 U.S.C.A. § 859, any person guilty of distributing a controlled substance to a person under 21 years of age is subject to increased penalties. The United States expressed its concern with the importance of protecting children from drug trafficking under 21 USCA § 860, which imposes heavier prison sentences in cases involving the distribution or manufacture of controlled substances in the proximity of schools, playgrounds, or youth centers. 18 USCA APP. 4 § 3B1.3 also provides for increased sentences in cases

of abuse of position of trust, as in a drug trafficking defendant's involvement of her young daughter in the drug trade. U.S. v. Ledesma, C.A.11 (Ga) 1992, 979 F.2d 816.

9. **Did Jim violate any law other than those regarding controlled substances?**

Jim may have violated several state laws. First, he violated S.C. Code § 44-53-370 regarding distributing and aiding and abetting possession of controlled substances. In addition, if he knew of his condition, he violated S.C. Code § 44-29-145, which states that it is unlawful for a person who knows that he is infected with the HIV virus to "knowingly share with another person a hypodermic needle, syringe, or both...without first informing that person that the needle...has been used by someone infected with HIV."

Andre could be held responsible for Jim's death under the state's involuntary manslaughter statute, S.C. Code § 16-3-60, for his "reckless disregard" for Jim's safety in helping him inject the heroin which led to the overdose.

10. **Has the bartender or the owner at Bulldog's Bar and Grill violated any law?**

Yes, both the bartender and the owner of the bar may be held liable. S.C. Code § 61-5-30 states that no person or establishment licensed to sell alcoholic beverages "shall sell such beverages to persons in an intoxicated condition."

Lesson 2

CRIMINAL JUSTICE STATISTICS: DRUG AND ALCOHOL RELATED OFFENSES UNIFORM CRIME REPORT DATA OF 1990--CRIME IN THE UNITED STATES

According to the Uniform Crime Report of 1990, 68% of the drug abuse violators were arrested for possession of heroin, cocaine or a narcotic derivative. A little over 31% of drug arrests were for the sale and manufacture of drugs.

Out of the 14,195,100 total number of arrests that occurred in 1990, drug abuse violations accounted for 1,089,500, driving under the influence comprised 1,810,800, and liquor law violations represented 714,700 of the total.

1981-1990 Ten Year Trend

Arrests for Drug Abuse Violations

In 1981, the total number of arrests for drug abusers under the age of 18 was 69,383. On the other hand in 1990, the total number was 50,435. This represents a 27.3% **decrease** in the number of arrests for persons under the age of 18. However, the number of arrests for persons over the age of 18 represent an 89.9% **increase** from 332,733 in 1981 to 631,932 in 1990.

Liquor Law Violations

For persons over the age of 18, the number of arrests for liquor law violations have dramatically **increased** to 61% from 218,079 in 1981 to 351,064 in 1990. However, the number of arrests for persons under the age of 18 has decreased to less than 0.4%.

♦ ♦ ♦

Criminal Victimization in the United States, 1990 A National Crime Victimization Survey Report, February, 1992

Percent Distribution of Victimizations by Perceived Drug or Alcohol Use by Offender:

- Of the **130,260** total rapes reported by victims to police, **49.8%** were believed to be committed by someone under the influence of drugs or alcohol.
- Of a total of **1,149,710** reported robberies, **24.2%** involved an offender under the influence of drugs or alcohol.
- Of **1,600,760** aggravated assaults committed **40%** were committed by people under the influence of drugs.
- Of the **3,128,130** simple assaults reported, **32.9%** were perpetrated by someone perceived to be under the influence of drugs or alcohol.

Lesson 4

FEDERAL SCHEDULE (answers to handout 3)

DRUG	SCHEDULE
heroin	schedule 1
beer	not a scheduled drug
vodka	not a scheduled drug
nitrate	not a scheduled drug
amphetamines	schedule 3
caffeine	not a scheduled drug
marijuana	schedule 1
crack	schedule 2
scotch	not a scheduled drug
MSG	not a scheduled drug
cocaine	schedule 2
glue	not a scheduled drug

FEDERAL PENALTIES BY SCHEDULE FOR POSSESSION

SCHEDULE	MAX. PRISON	MAX. FINE	MAX. TOTAL
schedule 1	15 years	$25,000	15yrs + $25,000
schedule 2	15 years	$25,000	15yrs + $25,000
schedule 3	5 years	$15,000	5yrs + $15,000
schedule 4	3 years	$10,000	3yrs + $10,000
schedule 5	1 year	$ 5,000	1yr + $ 5,000
unscheduled drug	n/a	n/a	n/a

The penalty doubles if the defendant has a previous conviction for a schedule law violation.

In order for a drug to be a narcotic, it must be a derivative of opium. All narcotics contain opium or opium derivatives, ie: heroin.

Malt beverages such as beer are not included in the scheduling process. They are controlled by liquor laws.

Information from 21 U.S.C.A. § 841 (West 1981).

States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Alabama	sch 1	sch 2	sch 2	sch 1	sch 3
Alaska	sch 1A	sch 2A	sch 2A	sch 3A	sch 4A
Arizona	sch 1	sch 2	sch 2	sch 1	sch 2
Arkansas	sch 1	sch 2	sch 2	sch 1	not listed
California	sch 1	sch 2	sch 2	sch 1	sch 2
Colorado	sch 1	sch 2	sch 2	sch 1	sch 2
Connecticut	sch 1	sch 2	sch 2	sch 1	sch 3
Delaware	sch 1	sch 2	sch 2	sch 1	sch 2
D.C.	sch 1	sch 2	sch 2	sch 2	sch 2
Florida	sch 1	sch 2	sch 2	sch 1	sch 2
Georgia	sch 1	sch 2	sch 2	sch 1[1]	sch 2
Hawaii	sch 1	sch 2	sch 2	sch 1	sch 2
Idaho	sch 1	sch 2	sch 2	sch 1	sch 2
Illinois	sch 1	sch 2	sch 2	listed under its act: the Cannabis Control Act, 56 1/2 §701 et seq	sch 2
Indiana	sch 1	sch 2	sch 2	sch 1	sch 2
Iowa	sch 1	sch 2	sch 2	sch 1	sch 2
Kansas	sch 1	sch 2	sch 2	sch 1	sch 1
Kentucky	sch 1	sch 2	sch 2	sch 1	sch 2
Louisiana	sch 1	sch 2	sch 2	sch 1	sch 2
Maine[2]	sch W	sch W	sch W	sch W & Z	sch W
Maryland	sch 1	sch 2	sch 2	sch 1	sch 1
Massachusetts[3]	class A	class B	class B	class D	class B
Michigan	sch 1	sch 2	sch 2	sch 1	sch 2
Minnesota	sch 1	sch 2	sch 2	sch 1	sch 2

[1] Must have more than 15% THC (tetrahydrocannobinol), the chemical in the cannabis plant.

[2] Maine schedules its drugs under an alphabetical category: W, X, Y & Z. The schedules are similar to other state categorizations.

[3] Massachusetts calls their schedules classes, but they are the same thing.

BEST COPY AVAILABLE

States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Mississippi	sch 1	sch 2	sch 2	sch 1	sch 2
Missouri	sch 1	sch 2	sch 2	sch 1	sch 2
Montana	sch 1	sch 2	sch 2	sch 1	sch 2
Nebraska	sch 1	sch 2	sch 2	sch 1	sch 2
Nevada[4]	sch 1	sch 2	sch 2	sch 1	sch 3
New Hampshire	sch 1	sch 2	sch 2	sch 1	sch 3
New Jersey	sch 1	sch 2	sch 2	sch 1	sch 3
New Mexico	sch 1	sch 2	sch 2	sch 1 & 2	sch 2
New York	sch 1	sch 2	sch 2	sch 1	sch 2
North Carolina	sch 1	sch 2	sch 2	NC has a sixth schedule which incl. marijuana	sch 2
North Dakota	sch 1	sch 2	sch 2	sch 1	sch 2
Ohio	sch 1	sch 2	sch 2	sch 1	sch 2
Oklahoma	sch 1	sch 2	sch 2	sch 1	sch 2
Pennsylvania	sch 1	sch 2	sch 2	sch 1	sch 2
Puerto Rico	sch 1	sch 2	sch 2	sch 1	sch 3
Rhode Island	sch 1	sch 2	sch 2	sch 1	sch 2
South Carolina	sch 1	sch 2	sch 2	sch 1	sch 2
South Dakota	sch 1	sch 2	sch 2	sch 1	sch 2
Tennessee	sch 1	sch 2	sch 2	sch 2, but only for certified patients under the Controlled Substances Therapeutic Research Act	sch 2
Texas	sch 1	sch 2	sch 2	sch 1	sch 2
Utah	sch 1	sch 2	sch 2	sch 1	sch 2
Vermont	sch 1	sch 2	sch 2	sch 1	sch 3

[4] While Nevada does not specifically name drugs under its five schedules, but instead lists the specific tests to determine under which schedule a drug belongs § 453.2182 says that the state will use 21 USC as a guide for scheduling. The state merely reserves the right to reschedule any controlled substance as it sees fit according to the tests set out in 453.166, et. seq.

BEST COPY AVAILABLE

States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Virginia	sch 1	sch 2	sch 2	not listed, but liquid marijuana or hashish oil is listed as sch 1	sch 2
Washington	sch 1	sch 2	sch 2	sch 1	sch 2
West Virginia	sch 1	sch 2	sch 2	sch 1	sch 2
Wisconsin	sch 1	sch 2	sch 2	sch 1	sch 2
Wyoming	sch 1	sch 2	sch 2	sch 1	sch 2

OFFENSE/SUBSTANCE	SENTENCE
First Offense: Cocaine - Possession With Intent To Distribute - 5 kg	• imprisonment for up to 15 years, and/or • fine of up to $25,000
First Offense: Trace of Heroin - Possession of 1 kg or more of a mixture with a small, but detectable amount of heroin	• imprisonment for up to 15 years, and/or • fine of up to $25,000
First Offense: Codeine - Possession - 200 mg	• imprisonment for up to 5 years, and/or • fine of up to $5000
Second Offense: Marijuana - Possession - 50 kg	• mandatory imprisonment for 25 years, and • fine of $25,000
Third Offense - Methamphetamine - Possession - 100 g	• imprisonment for between 5 & 20 years, and/or • fine of up to $20,000

Cite: SC Code Ann. § 44-53-370

Current Federal Penalties:

Group 1 and Group 2: . . . person shall be sentenced to prison which may not be less than 10 years or more than life and a fine not to exceed 4 million dollars.

Group 3: . . . person shall be sentenced to a term of imprisonment of not more than one year, a fine not exceed $250,000 in the case of an individual.

Group 4: . . . person shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed $500,000.

Group 5: . . . person shall be sentenced mandatory life imprisonment without release and fine not to exceed $8 million.

Cite: 21 U.S.C. § 841 (1992).

Lesson 6 & 7

1. **What does DWI stand for?**

Driving while intoxicated.

2. **What does DUI stand for?**

Driving under the influence. Under §56-5-2930 it is unlawful for any person under the influence of intoxicating liquors to drive.

3. **In terms of penalties, is being convicted of DUI more serious than being convicted of DUI?**

South Carolina does not distinguish between DUI and DWI.

4. **What are the penalties for being convicted of DWI? DUI?**

Conviction	Punishment
first	• fine of $200 and/or 48 hours to 30 days in jail (48 hours can be community service at the court's discretion), and • license suspended for 6 months
second	• fine of $2000 to $5000 (all but $1000 can be suspended), and • 48 hours to 1 year in jail, and • license suspended for 1 year
third	• fine of 3500 to 5000, and • 60 days to 3 years in jail, and • license suspended for 2 years
fourth and subsequent	• 1 to 5 years in jail, and • license suspended for 3 years
fifth and subsequent	• same as above - 1 to 5 years in jail, and • license permanently revoked

5. **What is the penalty for refusing to submit to a breathalyzer test upon a police officer's reasonable request?**

Under §56-5-2950 any person who drives a vehicle within the state of South Carolina is considered to have given consent to a breathalyzer test to determine blood alcohol content. If an individual refuses to submit to the test and has a license or permit to drive, it will be suspended for 90 days. If the person does not have a license or permit to drive, a request for one will denied issuance of it for 90 days.

6. **What must a person's blood alcohol content (BAC) be before he/she is legally intoxicated?**

Under §56-5-2950 if a person has a BAC of 0.10 or more it is inferred that s/he is under the influence of alcohol.

7. **The legal limit for blood alcohol is lower for persons under the legal drinking age of 21. True or False?**

False. South Carolina does not differentiate between individuals over 21 and under 21.

8. **An open container of alcohol can be in your car if you are 21 or over. True or False?**

Under §61-9-87 it is unlawful for any person to have possession of any beer or wine in an open container in a moving vehicle. Violation of this section if a misdemeanor and if convicted you will be fined no more than $100 or jailed for not more than (30) days. Beer or wine in an open container may be transported in the trunk of a moving vehicle.

BEST COPY AVAILABLE

Lesson 9

Although the drinking age is 21 in all 50 states (meaning specifically that the sale of alcohol to minors is prohibited), the laws on teenage drinking vary from state to state. The laws vary in regard to whether they include prohibition of the purchase of alcohol, the attempt to purchase alcohol, the consumption of alcohol and the possession of alcohol. According to the March 11, 1993 Safety Recommendation report of the National Transportation Safety Board,

- Five states (DE, FL, MT, NH & NY) and the District of Columbia do not prohibit the purchase of alcohol by minors.
- West Virginia and the District of Columbia do not prohibit public possession of alcohol by minors.
- 23 states (AK, AR, DE, DC, FL, GA, RI, IL, IA, LA, ME, MD, MI, MS, MT, NV, NH, NY, SC, TX, UT, VT, VA) do not prohibit minors from attempting to purchase alcohol.
- 21 states (AR, CO, CT, FL, GA, HI, IA, KY, LA, MA, MS, MO, NE, NH, NM, NC, OR, SC, VT, WV, WY) do not prohibit alcohol consumption by minors.
- 16 states (AR, CA, CO, HI, KY, LA, ME, MI, NM, NY, NC, OK, SD, VA, WA, WY) do not prohibit minors from misrepresenting their age in order to purchase alcohol.
- 19 states (AL, AR, CO, DE, DC, IA, KS, LA, MD, MN, MT, NJ, OR, PA, SC, UT, VA, WA, WI) do not prohibit minors from presenting false ID to purchase alcohol.

In addition, most states do no prohibit minors from driving with alcohol in their blood unless their blood alcohol content reaches the adult legal limit, which is .10 percent in most states. Fifteen states, however, have amended their laws to lower for minors the permitted blood alcohol content while driving. These laws vary according to the age under which minors must be in order for the lower blood alcohol content to apply. Here is the layout for state laws on blood alcohol content for minors while driving:

0.00 BAC	0.01 BAC	0.02 BAC	0.04 BAC	0.05 BAC	0.06 BAC
AZ (<21)	NJ (<21)	ME (<21)	RI (<21)	CA (<18)	GA (<18)
NC (<19)		MD (<21)	NH (<21)	NM (<18)	
OR (<21)		OH (<18)			
UT (<21)		VT (<18)			
WI (<18)					

A number of states have tried to cut down on teenage driving accidents by implementing nighttime driving restrictions. The following states have some form of curfew for teenage driving:

ID: minors <16 can drive during the daytime only
IL: minors <17 cannot drive between 11pm-6am Mon-Thur and 12am-6am Fri-Sun
LA: minors <15 cannot drive between 11pm-6am Mon-Thur and 12am:6am Fri-Sun
MD: minors <16 cannot drive between 12am-5am
MA: minors <18 cannot drive between 1am-4am
NY: minors <18 cannot drive between 9pm-5am
PA: minors <18 cannot drive between 12am-5am
SD: minors <16 cannot drive between 8pm-6am.

BEST COPY AVAILABLE